

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE**

**SPIRIT AND TRUTH FAMILY  
WORSHIP CENTER, INC.**

**DEBTOR**

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§  
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§  
§  
§

**CASE NO. 09-33890  
(Chapter 11)**

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**DEBTOR'S MOTION OF DEBTOR IN POSSESSION  
FOR AUTHORITY TO APPOINT AND RETAIN COUNSEL NUNC PRO TUNC**

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**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

The Motion of SPIRIT AND TRUTH FAMILY WORSHIP CENTER,, INC., Debtor herein, respectfully represents:

1. On the 1<sup>st</sup> day of June, 2009, Debtor filed a petition herein under Chapter 11 of the Bankruptcy Code.
2. Debtor has continued in possession of its property, and as Debtor in Possession is now operating its business and managing its property.
3. On June 15, 2009, Motion of Debtor in Possession for Authority to Appoint and Retain J. Craig Cowgill & Associates, P.C., J. Craig Cowgill, as Counsel Nunc pro tunc.
4. Debtor as Debtor in Possession seeks to employ the firm of J. Craig Cowgill & Associates, P.C. , J. Craig Cowgill as lead counsel, attorneys duly admitted to practice in this Court.
5. Debtor has selected J. Craig Cowgill & Associates, P.C. for the reason that such firm

has had considerable experience in matters of this character, and believes that the firm of J. Craig Cowgill & Associates, P.C. is well qualified to represent it in this bankruptcy proceeding.

6. The professional services the said J. Craig Cowgill & Associates, P.C. are to render are:

- (a) to give Debtor legal advice with respect to the bankruptcy proceeding;
- (b) to prepare on behalf of Debtor as Debtor in Possession necessary applications, answers, orders, reports and other legal papers;
- (c) to perform all other legal services for Debtor as Debtor in Possession which may be necessary in the bankruptcy proceeding;

and it is necessary for Debtor as Debtor in Possession to employ an attorney for such professional services.

7. To the best of Debtor's knowledge, J. Craig Cowgill and J. Craig Cowgill & Associates, P.C. have no connection with the creditors, or any party in interest, or their respective attorneys.

8. Debtor desires to employ J. Craig Cowgill & Associates, P.C., J. Craig Cowgill as lead counsel under a general retainer which has been paid by the Debtor because of the extensive legal services required in the above case, the Debtor has agreed to compensate J. Craig Cowgill & Associates, P.C. in accordance with its normal billing practices. Additionally, Debtor has agreed to pay for the reasonable and necessary expenses incurred in rendering legal services to the Debtor, including, but not limited to, postage, photocopying, telecopying, messenger services, long distances charges, depositions, and any filing fees. Pursuant to the Bankruptcy Code, the fees of J. Craig Cowgill & Associates, P.C., together with its necessary disbursement and expenses, constitute administrative expenses of the Debtor's estate in such amounts as may be allowed by the Court.

Mr. Cowgill has complied with Section 329 of the Bankruptcy Code and Bankruptcy Rule 2016. Simultaneously with the filing of the foregoing Motion for Authority of Debtor in Possession to Appoint and Retain Counsel, the Debtor is filing a Statement of Attorney for Petitioner Pursuant to Bankruptcy Rule 2016(b). A true and correct copy of the Statement of Attorney is attached hereto as Exhibit "A" and incorporated herein for all purposes.

9. J. Craig Cowgill represents no interest adverse to the Debtor as Debtor in Possession or the estate in the matters upon which such firm is to be engaged for Debtor as Debtor in Possession and such employment would be to the best interest of this estate.

10. J. Craig Cowgill represents that he has received a copy of the Guidelines for Attorneys Fee Applications-Reimbursement of Expenses entered November 25, 1998; has read and understands the same, and will follow such guidelines in all fee applications.

11. At the present time, the Firm charges the following hourly billing rates:

- (a) J.Craig Cowgill, Attorney in Charge: \$450.00 an hour
- (b) Associate Attorney: \$350.00 an hour
- (c) Paralegal\Law Clerk: \$95.00 to 125.00 an hour.

Additionally, Debtor has agreed to pay for the reasonable and necessary expenses incurred in rendering legal services to the Debtor, including, but not limited to, postage, photocopying, telecopying, messenger services, long distances charges, depositions, and any filing fees. All amounts that the Debtor has agreed to pay J. Craig Cowgill & Associates, P.C., J. Craig Cowgill as lead counsel, are subject to the Bankruptcy's Court approval.

12. The fees which will be charged on an hourly basis to the Debtor will be the normal and ordinary fees charged by the firm to its other non-bankruptcy clients, and are favorably

comparable to the fees being charged by other law firms in the District for services of a similar nature.

13. Pursuant to 11 U.S.C. §330 and §331, any compensation sought in this bankruptcy case by the firm will be subject to the scrutiny and authority of this Court.

**WHEREFORE**, Debtor, SPIRIT AND TRUTH FAMILY WORSHIP CENTER, INC. prays that it may be authorized to employ and appoint the firm of J. Craig Cowgill & Associates, P.C., J. Craig Cowgill as lead counsel, Nunc pro tunc under a general retainer to represent it as Debtor in Possession in this proceeding under Chapter 11 of the Bankruptcy Code, and that it have such other and further relief as is just.

Respectfully submitted this 15<sup>th</sup> day of June, 2009.

SPIRIT AND TRUTH FAMILY WORSHIP CENTER, INC.

By: /s/Edwin Bamberg  
Edwin Bamberg, President

**VERIFICATION OF TRANSMITTAL TO THE U.S. TRUSTEE**

The undersigned, an attorney, under the penalties of perjury, hereby certifies that a true and correct copy of the above and foregoing instrument has been transmitted to the United States Trustee, 3516 U.S. Courthouse, 515 Rusk Avenue, Houston, Texas 77002, by ECF, if available or by fax at **713/7184680** on this 15<sup>th</sup> day of June, 2009.

/s/J. Craig Cowgill  
J. Craig Cowgill

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion has been served upon the attached Service List via first class mail, proper postage affixed, on this 15<sup>th</sup> day of June, 2009.

/s/J. Craig Cowgill

J. Craig Cowgill

See attached

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**AFFIDAVIT OF PROPOSED ATTORNEY  
AND RULE 2016(b) DISCLOSURE**

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**THE STATE OF TEXAS   §**  
**§**       **KNOW ALL PERSON BY THESE PRESENT:**  
**COUNTY OF HARRIS    §**

BEFORE ME, the undersigned authority, personally appeared J. Craig Cowgill, who, being first duly sworn, deposes and says:

“1. I am an attorney and counselor at law, duly admitted to practice in the State of Texas and in this Court.

2. I maintain an office for the practice of law at 8100 Washington, Suite 120, Houston, Texas 77007.

3. J. Craig Cowgill & Associates, P.C. is a law firm engaged in the general practice of law, with emphasis in the practice of insolvency, reorganization and bankruptcy law, and corporate law.

4. I have no connection with SPIRIT AND TRUTH FAMILY WORSHIP CENTER, INC., its creditors, or any other party in interest herein, or their respective attorneys, or accountants, the United States Trustee, or any person employed in the office United States Trustee.

5. I represent no interest adverse to SPIRIT AND TRUTH FAMILY WORSHIP CENTER, INC., as Debtor in Possession, or its estate in the matters upon which my firm is to be engaged.

6. J. Craig Cowgill is a “disinterest person” within the meaning of Section 101(3) of the Bankruptcy Code.

7. I, J. Craig Cowgill, represent that I have complied with 11 U.S.C. §329 and Bankruptcy Rule 2016(b) as required by Bankruptcy Local Rules 2014(a).

8. On June 1, 2009 the Debtor placed a retainer with J. Craig Cowgill & Associates, P.C. to secure the fees and expenses of said counsel through the Debtor's Chapter 11 case. Said retain is in the form of a cashier check to J. Craig Cowgill & Associates, P.C. in the amount of \$25,000.00. The retainer will be held by J. Craig Cowgill, J. Craig Cowgill & Associates, P.C., in an interest bearing trust account. The retainer will be applied toward post-petition invoices for services of J. Craig Cowgill, J. Craig Cowgill & Associates, P.C., in accordance with the Bankruptcy Code, the Bankruptcy Rule and the Local Bankruptcy Rules for the Southern District of Texas.

9. The source of the retainer was money that was paid by the Debtor. The professional services which J. Craig Cowgill & Associates, P.C., J. Craig Cowgill lead counsel, are to render are the representation of Debtor in this case as general Chapter 11 counsel to perform on behalf of Debtor all legal services arising in or related to the captioned Chapter case.

10. The professional services the said J. Craig Cowgill & Associates, P.C. are to render are:

- (a) to give Debtor legal advice with respect to the bankruptcy proceeding;
- (b) to prepare on behalf of Debtor as Debtor in Possession necessary applications, answers, orders, reports and other legal papers;
- (c) to perform all other legal services for Debtor as Debtor in Possession which may be necessary in the bankruptcy proceeding;

and it is necessary for Debtor as Debtor in Possession to employ an attorney for such professional services. For legal services rendered in the above case, the Debtor has agreed to compensate, J. Craig Cowgill, J. Craig Cowgill & Associates, P.C., with the normal billing hours as follows:

(a) J.Craig Cowgill, Attorney in Charge: \$450.00 an hour  
(b) Associate Attorney: \$350.00 an hour  
(c) Paralegal/Law Clerk: \$95.00 to 125.00 an hour

11. The undersigned further states that he has not shared, or agreed to share with any person.

12. I represent that I have received a copy of the Guidelines for Attorneys Fee Applications-Reimbursement of Expenses entered November 25, 1998; have read and understand the same, and will follow such guidelines in all fee applications.

13. I represent that I have complied with 11 U.S.C. §329 and Bankruptcy Rule 2016(b) as required by Bankruptcy Local Rules 2014(a).

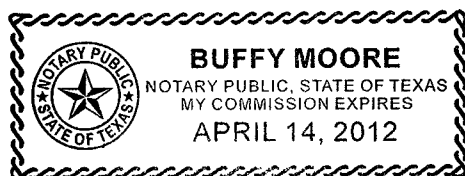
Further affiant not."

J. Craig Cowgill

STATE OF TEXAS  
COUNTY OF HARRIS

SUBSCRIBED AND SWORN TO before me by J. Craig Cowgill, this 15<sup>th</sup> day of June, 2009, to certify which witness my hand and seal of office.

Buffy Moore  
Notary Public in and for  
The State of Texas





Capital One  
PO Box 381  
Salt Lake City, UT 84110-0381

Challenger Storage  
1730 Fm 528 Rd  
Webster, TX 77598-4708

Chernosky, Smith, Ressler & Smith  
Michael J. Smith  
4646 Wild Indigo St Ste 110  
Houston, TX 77027-7190

Cornerstone Shopping Center  
C/O Noble House Real Estate  
PO Box 202  
Seabrook, TX 77586-0202

Custom Construction  
1515 Webster St  
Houston, TX 77002

Extra Space Storage  
8600 S Main St  
Houston, TX 77025-2704

Fikes  
PO Box 19278  
Houston, TX 77224-9278

First Data  
6200 S Quebec St  
Greenwood Village, CO 80111-4729

Foundation Capital  
Mr. Gene Johnson  
1661 North Booneville  
Springfield, MO 65803

Konica Minolta Business Solutions  
21146 Network Place  
Chicago, IL 60673-1211

Konica Minolta Business Solutions  
P. O. Box 122366  
Dallas, TX 75312-2366

Morningstar Mini-Storage  
3500 E Fm 528 Rd  
Friendswood, TX 77546-5005

Mr. Duke Keller, Jr.  
Weycer, Kaplan Pulaski & Zuber  
Eleven Greenway Plaza, #1400  
Houston, TX 77046

Mr. Mark Rucker  
AG Financial  
1661 N Booneville Ave Stop 1  
Springfield, MO 65803-2751

Office Depot  
P. O. Box 689020  
Des Moines, IA 50368-9020

Pitney Bowes  
P.O. Box 856042  
Louisville, KY 40285-6042

Progressive Electrical  
PO Box 36543  
Houston, TX 77236-6543

Sam's Club  
PO Box 981064  
El Paso, TX 79998-1064

U-Haul  
351 Gulf Fwy S  
League City, TX 77573-3525

U. Bank  
P. O. Box 6353  
Fargo, ND 58125-6353

## United States Bankruptcy Court

Southern District of Texas

IN RE:

Case No. **09-33890****Spirit And Truth Family Worship Center,**Chapter **11**

Debtor(s)

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept ..... \$ **25,000.00**

Prior to the filing of this statement I have received ..... \$ **25,000.00**

Balance Due ..... \$ .....

2. The source of the compensation paid to me was: ☒ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is: ☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. ~~Representation of the debtor in adversary proceedings and other contested bankruptcy matters;~~
- e. [Other provisions as needed]

**includes the filing fee of \$1,039.00**

6. By agreement with the debtor(s), the above disclosed fee does not include the following services:

**fees that exceed the initial retainer of \$25,000.00. The principals and debtor shall be the responsible party for any outstanding fees**

## CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

**June 15, 2009**

Date

**/s/ J. Craig Cowgill**

J. Craig Cowgill 04929000  
J. Craig Cowgill & Associates, P.C.  
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Houston, TX 77007  
(713) 956-0254 Fax: (713) 956-6284  
jccowgill@cowgillholmes.com